RAJYA SABHA

Thursday, the 5th December, 1991/14 Agrahayana, 1913 (Saka)

The House met at eleven of the clock Mr. Chairman in the Chair

OBITUARY REFERENCE

MR. CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of Shrimati Mona Hensman, a former Member of this House, on the 4th December, 1991, at the ripe age of 92 years.

Shrimati Hensman was born at Berhampore in August, 1899, and had her education at Westfield College, London, and Maria Grey Training College, London. An educationist, Shrimati Hensman nurtured and built up various educational institutions. She was Professor of English, History and French, and was appointed to the Board of Directors of the United States Educational Foundation in India.

Shrimati Hensman was the innovator of the Children's Court in Madras, for which she received the Order of The M.B.E. She had many firsts to her credit. She was the first woman MLC in the Rajaji Cabinet of 1937, in Madras; first woman Whip in Indian Parliament; first woman Presidency Magistrate and first Asian to become the Vice President of the World Young Woman Christian Association in Geneva. She was also the Commissioner of Girl Guides for the South and President of the Guild of Service.

Shrimati Hensman started her Parliamentary career, as a nominated Member of the Madras Legislative Council, from 1937 to 1952. She represented the erstwhile State of Madras in this House from April, 1952 to April, 1956. In the passing away of Shrimati Hensman, the nation has lost an eminent educationist and a dedicated social worker.

We deeply mourn the passing away of Shrimati Mona Htnsman.

I request hon. Members to rise in their places and observe silence as a mark of respect to the memory of the departed.

(Hon. Members then stood in silence for one minute).

MR. CHAIRMAN: Secretary-General will convey to the members of the bereaved family our sense of profound sorrow and deep sympathy.

ORAL ANSWERS TO QUESTIONS

Transfer of Provident Fund contributions by Jute Mills

201. SHRI GURUDAS DAS GUPTA:†
SHRI CHATNRANAN MISHRA:

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that more than half the 60 jute mills in West Bengal have not transferred their provident fund contributions amounting to over Rs. 80 crores to their Boards of Trustees;

(b) if so, the names of such mills; the amount defaulted and since when; and

(c) what action is proposed to be taken against these mills?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SING GHATOWAR): (a) to (c) A statement is laid on the Table of the House.

Statement

(a) According to the information available with Employees Provident Fund Organisation, as on September 30, 1991, 28 jute mills in the State of West Bengal have not transferred the provident fund contributions amounting to Rs. 76.03 crores to their Board of Trustees.

(b) and (c) The details are given in the Annexure (*See* below) necessary legal and penal action for recovery of dues against all the defaulting mills has already been initiated.

†The Question was actually asked on the floor of the House by Shri Gurudas Das Gupta.

Annexure

Sl. No.	Name of Establishment	Period of default	Amount of default (Rs. in lakhs)	Whether action has been taken under the EPF & MP Act for		Whether action has been taken U/S 406, 409 of IPC	Remarks
				Recovery	prosecution		
1	2	3	4	5	6	7	8
1.	Shree Ambica Jute Mills Ltd,	5/77-6/86	238·12	..	Yes	Yes	This establishment has gone into liquidation, Claim has been filed.
2.	Eastern Mfg, Co,	4/80-2/86	173·02	..	Yes	Yes	
3.	Baranagore Jute PLC	11/88-1/90	415·00	Yes	Yes	Tes	The establishments at Sl, No, 2 to 8 have taken a stay from the Court.
4.	M/s Agarpara Jute Co, Ltd.	7/86-10/90 2/91-5/91	278·00	Yes	Yes	Yes	
5.	M/s Titagarh Jute Factory PLC	1/83-9/91	563·50	Yes	Yes	Yes	
6.	M/s Waverly Jute Mill	3/86-6/86	15·50				
7.	M/s Kamarhati Jute Mills	5/90-7/90	34·28	Yes	Yes	Yes	
8.	M/s Wellington Jute Mill	5/84-1/85	13·36				
9.	Megna Mills Ltd.	5/79-9/91	492·00	Yes	Yes	Yes	
10.	Fort William Co. Ltd.	11/90-1/91	40·30	Yes	Yes	Yes	
11.	Nuddea Mills Ltd.	9/82-12/84 8/85-2/86 9/86-5/88	361·50	Yes	Yes	Yes	The establishments at Sl. No. 9 to 17 have taken a stay from the Court. These establishments are also under the purview of the BIFR.
12,	Delta Jute Industries	4/84-9/90	544·90	..	Yes	Yes	
13.	Naihati Jute Mills Ltd.	1/83-9/88	148·00	..	Yes	Yes	
14.	Gourepore Co. Ltd.	1/82-6/91	329·14	..	Yes	Yes	
15.	Kelvin Jute Co. Ltd.	4/77-5/89	380·00	..	Yes	Yes	

1	2	3	4	5	6	7	8
16.	New Central Jute Mills	12/84-4/88 2/90-6/90	493·00		Yes	Yes	The establishments at ST No. 9 to 17 have taken a stay from the court. These establishments are also under the purview of the B IFR.
17.	Dalhousie Jute Mills Ltd.	5/83-6/86	64·50		Yes		
18.	Angus Co. Ltd.	7/82-5/91 8/91-9/91	607·43		Yes	Yes	
19.	Kanknarrah Co. Ltd.	10/81-8/91	515·25		Yes	Yes	
20.	Howrah Mills	6/85-3/86	395·70		Yes		
21.	Ganges Mfg. Co. Co. Ltd.	9/87/9-88	13·00		Yes		
22.	Shri Gowri Shankar Jute Mills.	9/86-12/90	123·90		Yes	Yes	The establishments at Sl No. 18 to 25 are under the purview of BIFR.
23.	Budge Budge Jute Mills.	1/81-4/88	206·99		Yes	Yes	
24.	Prabartak Jute	9/88-5/89	25·00				
25.	Anglo India Jute Mills	5/90-7/90	30·00		Yes	Yes	
26.	North Brook Jute Mills	77-4/89	108·00	Yes	Yes	Yes	This establishment has requested for an instalment Scheme to liquidate its arrears. The same is under examination.
27.	Victoria Jute Mills	8/82-/89 12/89-6/91 8/91-9/91	512·00	Yes	Yes	Yes	
28.	Shamnagore Jute Mills	1/83-9/85 4/86-6/86 9/86-12/86	486·25	Yes	Yes	Yes	

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir, unfortunately, the Minister who has replied to the question seems to have been deserted by his friend. Mr. Sangma is not here. Neither the Prime Minister is here. This is how the problems of labour are being tackled in the country.

The hon. Minister has given a statement. The statement gives certain facts. The facts go to show that the total default, at the moment, i.e. as on 30-9-1991, is Rs 76 crores respect of the jute industry. But I find, from the information with me, that about two-and-a-half years back, the total default in the jute industry was to the extent of Rs. 82 crores. This means, within a span of less than two-and-a-half years, there is only a marginal fall, from Rs. 82 crores to Rs. 76 crores; just Rs. 6 crores. I have no grudge against the Department which is looking after the pro-

ident fund organisation. Rather, I have a word of appreciation for that because, of late, they have been alive to the problem. But despite the Department's—being alive to the problem, the situation remains as grave as it was. The total default of the jute industry is about 30 per cent of the total national default. This is the extent and everybody knows that the jute industry is the most delinquent industry. Delinquent industrialists know how to tackle the Government, how to ged rid of the measures that the Government had taken to recover the amount. It is not because of the sickness of the mill or industry that the provident fund dues are not paid. Money is recovered from the employees. It is not deposited, not because the mill or the organisation is sick but because they just eat up the funds. As a result, lakhs of jute workers are suffering because they do not get the payment either on time, maybe, or during their lifetime. This is the situation.

Therefore, considering this peculiar delinquency connected with the jute industry and which is a long-drawn phenomenon about which the Government's notice was repeatedly drawn, may I ask, Mr. Chairman, whether the Government thinks it prudent to accelerate the process, to expedite the process, so that the delinquent jute barons cannot get out of your endeavour? They are giving you a slip, it is well know. Therefore, what does the Government propose to do to ensure that the jute industry do not give a slip?

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, from Government side we are taking all possible steps to recover the arrear from the jute industry. From our side we are trying very hard to recover this amount, but many of the mills have gone to the High Court and other courts. They have got stay orders in many of the cases. From our side, after the 1988 amendment we made this provident fund arrear as the first charge. Previously, it used to be the second charge on the revenue. Now we have made it as the first charge in the recovery process and in our Calcutta P.F. office we have constituted a jute cell to expedite the cases so that we are able to obtain recoveries in time.

SHRI GURUDAS DAS GUPTA: The Minister has suddenly become academic. He is telling us that a cell has been set up. (*Interruptions*). I am appreciating his academic valour, but not the realistic knowledge. That is the whole trouble.

Anyway, the point is, the Minister says that there is a jute cell. He says that the Government is alive to the problem. He also says that despite all that things are not happening. The Minister himself has answered my question that the Government's inaction is responsible for that. Not only is it the inaction of the Government but it is the total inadequacy of the armament that is necessary to be built up to make a den in the den of the conspirators, in the den of the delinquent jute industrialists. What is your armament? Tell me. So, the point is that the Government is happy because Rs. 6 crores have been realised but it does not occur to the Minister how and in what way steps should be taken to ensure that the High Court is not able to come to their rescue. I cannot appreciate the behaviour of the High Court. That is the situation, but even then it is for the Government to tell us how you propose to ensure that the High Courts do not come to their rescue, which means there has to be a legislative measure. There has to be a legislative measure to ensure that the High Court does not come to their rescue. This is part (a) of my question: Does the Government contemplate to bring about a proper amendment in the law to ensure that the High Court does not come to the rescue of this bunch of criminals? This is* of the judiciary. Sir. The judiciary has become.*

MR. CHAIRMAN: Let us not say that: let us not cast aspersions on the judiciary. ... (*Interruptions*) ... No aspersion on the judiciary, please.

SHRI GURUDAS DAS GUPTA: Sir, I understand what you mean to say, but the point is, where there is a failure of the judiciary, it has to be pointed out. If there is a failure of Parliament, it has to be

*Expunged as ordered by the Chair.

pointed out. In a democracy, all the organs of democracy must function in an integrated way. So, the failure of the judiciary must be pointed out. Therefore, what does the Government propose to do so that the judiciary does not come to the help of these delinquent jute magnates? That is part (a) of my question.

Part (b) of my question is, the Minister knows it every well...

SHRI AJIT P. K. JOGI: You cannot say that the judiciary are*. You can point out a failure but you can't say that.

*SHRI GURUDAS DAS GUPTA: said, of the judiciary.

SHRI SANTOSH BAGRODIA: How do you say that? ...(*Interruptions*)..

Mr. CHAIRMAN: No, it can't be said.

श्री राम नरेश यादव : यह कोर्ट के ऊपर एसपर्शन है। यह कोर्ट के खिलाफ एसपर्शन है।

SHRI GURUDAS DAS GUPTA: Sir, the point is ... ...(*Interruptions*)...

SHRI S. S. AHLUWALIA: Sir, it should be expunged from the record. ..(*Interruptions*)... ..

MR. CHAIRMAN: Yes, it will not be on the record.

SHRI GURUDAS DAS GUPTA: Sir, the point is, I have regard for the judiciary...

MR. CHAIRMAN: But don't use that word. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: But the point is it has been failing... (*Interruptions*)...I withdraw that word, Sir, but I say that the judiciary has been constantly failing to protect the interests of the jute workers. On the other hand, the judiciary has been protecting the interests of the jute industrialists. I am within my bounds to say like this.

SHRI R. K. DHAWAN: He can't say that the judiciary are*

SHRI GURUDAS DAS GUPTA: I have been saying* I did not say* Anyway, let us end the matter.

MR. CHAIRMAN: He has withdrawn that word. ...(*Interruptions*)...Now you complete it.

SHRI GURUDAS DAS GUPTA: Sir, I frame my question in a different language I say, workers' interests have not been protected by the judiciary, but the interests of the industrialists have been protected. Therefore, what does the Government propose to do to ensure that the judiciary is compelled to protect the interests of the jute workers. What is the amendment?

Part (b) of my question is, Government had amended the law but not a single jute delinquent has been arrested or his private property confiscated. People are running away with the money of the workers. Every one of us should feel as named.

MR. CHAIRMAN: Please put your question.

SHRI GURUDAS DAS GUPTA: My question is, what steps would the Government like to take to ensure that the private property of the delinquents is confiscated? What steps is the Government going to take in this direction?

डा० रत्नाकर पाण्डेय : माननीय सभापति जी, इस रोशनी से चमकत हो कर भी लम्बा भाषण दे रहे हैं। एक्साइटेडक्वेश्चन नहीं कर रहें हैं।

श्री यशवन्त सिन्हा : आप तो बैठ जाइये।

MR. CHAIRMAN: He wants to know whether... ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: My last sentence is...

MR. CHAIRMAN: No sentence—question.

*Expunged as ordered by the Chair.

SHRI GURUDAS DAS GUPTA: My last question is, does the Government intend to enter into a dialogue with the trade unions to bring about plugging of the loopholes in the enactment so that this dangerous situtation can be removed?

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, I quite appreciate the concern expressed by the honourable Member, Das Guptaji, but I am not competent enough to say anything on the functioning of the High Court... (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: At least, you should feel sorry about it.

MR. CHAIRMAN: Please don't interrupt him. Let us hear what he says.

SHRI PABAN SING GHATOWAR: How can I say anything on the functioning of the High Court?... (*Interruptions*)...

SHRI DIPEN GHOSH: What steps is the Government taking?... (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: The jute workers will starve and you will have no concern for them because you have respect for the judiciary. That is democracy... (*Interruptions*)...

MR. CHAIRMAN: I will put your question in a very simple way... (*Interruptions*)... All that you have talked in ten minutes, I will sum up. His question is, would you like to bring a legislation to exclude the jurisdiction of the courts in these matters? So, will you make non-payment or taking away the money a criminal offence and provide for confiscation of their property? That's all. Will you consider it?

SHRI PABAN SING GHATOWAR: At this stage I cannot say anything, Sir. It requires another amendment. The Government will examine that proposal.

श्री सभापति : आप भी जरा संक्षेप में पूछिये । आलरेडी पंद्रह मिनट निकल गये हैं ।

SHRI SUBRAMANIAN SWAMY: The communists are used to long polemics. (*Interruptions*).

SHRI CHATURANAN MISHRA: I don't know who is used to it. सभापति महोदय, यह मजदूरों का अपना रुपया जो... **(व्यवधान)**

MR. CHAIRMAN: I have been asked that when it is telecast there must be at least ten questions everyday because otherwise some Members will be left out, and they don't what to be left out.

SHRI GURUDAS GUPTA: At least I am not delighted, Sir. My hon. friend may feel delighted because of the lights, but I am not.

MR. CHAIRMAN: You sit down. You are excited anyway. You are jumping up every time.

Mr. Mishra, now put your supplementary.

श्री चतुरानन मिश्र : यह मजदूरों का अपना रुपया है, जो हमको मिलेगा । यह हमको कोई दान नहीं दिया गया है ।

MR. CHAIRMAN: This House is very well informed about it. यह तो सब मानते हैं । सबको मालूम है ।

श्री चतुरानन मिश्र : अगर सरकार जानती है, तब मेरी एक बात सुन लीजिए। अभी जितने दिन पार्लियामेंट हुई है, जब से आजादी मिली है, कोई साल ऐसा नहीं हुआ है जबकि कुछ सौ करोड़ रुपया बराबर मजदूरों का बकाया नहीं रहा है। एक भी बरस ऐसा नहीं हुआ है । पहला, तो मैं आपसे कहना चाहूंगा कि एक बरस भी **(व्यवधान)**

श्री सभापति : आप प्रश्न पूछिये ।

श्री चतुरानन मिश्र : प्रश्न तो पहला ही है । आप कहते हैं कि सरकार भी जागरूक

है और मिनिस्टर तो पसीना-पसीना हो रहा है, इतना जागरूक है । हमारा अरबों रुपया जमा है... **(व्यवधान)**

श्री सभापति : अच्छा, आप प्रश्न तो करिए ।

श्री चतुरानन मिश्र : मैं उसी पर तो आ रहा हूं । आपने इंटरवीन कर दिया। इसीलिए वह पसीना-पसीना हो रहे हैं। **(व्यवधान)**

श्री सभापति : नहीं, जो आपका प्रिफेस मैं उसको छोटा करना चाहता हूं ।

श्री चतुरानन मिश्र : नहीं, ऐसी बात हो रही है, तो यह पार्लियामेंट का फेल्योर है कि उचित कानून नहीं बनाती है । यह सरकार का फेल्योर है ।

इसीलिए मेरा प्रश्न यह है कि मजदूरों का बकाया रुपया यह नहीं देते हैं, तो इसको क्रिमिनल ला में टेम्पोरेरिली लायेंगे... **(व्यवधान)**

श्री सभापति: वह तो मैंने पूछ लिया है ना ।

श्री चतुरानन मिश्र : क्रिमिनल ला के मातहत आप लायेंगे कि टेम्पोरेरी एम्बेजलमेंट इसको समझा जाए ।

दूसरा यह कि कोई ऐसा इनबिल्ट सिस्टम करेंगे कि डाइरेक्टली प्रोविडेंट फंड में यह रुपया चला जाय । यह मेरे दो बिंदु हैं । और वैसे सरकार पसीना-पसीना है, वह तो हम जानते हैं ।

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, I welcome the suggestion of the hon. Member. From our side, from the side of the Government, we are taking all possible steps provided in the law to recover the arrears from the mill-owners.

श्री चतुरानन मिश्र : सभापति महोदय मेरा सवाल यह नहीं था । आप ही कहें कि हमने पूछा क्या था और जवाब क्या है ।

श्री सभापति : आपने जो पूछा है ना, वह गुरुदास दासगुप्त पूछ चुके हैं ।

श्री चतुरानन मिश्र : वह जवाब नहीं देते हैं, तो आप काहे को है । उनको तो कहें कि स्पेसिफिक जवाब दें जैसे कि सरकार यह करेगी, वह करेगी । हम कह रहे हैं कि अरबों रुपये हर साल बकाया रहता है । एक साल की बात हो, तब ना। पार्लियामेंट मे हम लोग हैं, हम लोगों की भी कुछ जिम्मेदारी है ।

श्री सभापति : तो आप कह ही दीजिए ना ।

श्री चतुरानन मिश्र : तो यह जवाब दें, तब ना । हम आपसे कह रहे हैं कि उनसे जवाब दिलवाइये ।

श्री सभापति : जैसा आपने सवाल किया, वैसा ही उन्होंने जवाब दिया ।

जैसा तेरा गाना, वैसा मेरा बजाना ।

श्री चतुरानन मिश्र : अगर यही बात है, तब तो... **(व्यवधान)**

श्री सभापति : आप लम्बा-चौड़ा सवाल करोगे, गोल-मोल, तो गवर्नमेंट बच जाती है ।

श्री जगदीश प्रसाद माथुर : मंत्री जी का जवाब तो यह है—नाचना न जाने आंगन टेढ़ा ।

श्री सभापति : आप लम्बा सवाल करोगे, तो गवर्नमेंट हमेशा उसमें से निकल जाएगा। आप गवर्नमेंट को पकड़िये ।

SHRI SUKOMAL SEN: Sir, labour is the most ignored community in the country. Here this has been again moved by

the manner in which the question on labour has been answered by the Minister. The question relates to the Prime Minister, but it is being answered in a very casual way. It is a very serious issue.

MR. CHAIRMAN: The Prime Minister is busy with the visit of the Prime Minister of Nepal.

SHRI DIPEN GHOSH: Another senior Minister is there who is looking after Labour. (*Interruptions*)

श्री सत्य प्रकाश मालवीय : प्रधान मंत्री की ओर से कोई बोल नहीं सकते... **(व्यवधान)** प्रधान मंत्री जी की कुर्सी पर कोई भी मंत्री बैठ सकता है।... **(व्यवधान)**

श्री सभापति : प्रधान मंत्री जी इस हाउस के मैम्बर नहीं हैं।

SHRI DIPEN GHOSH: He is entitled to sit in a back seat, but he is occupying the seat...

SHRI SATYA PRAKASH MALAVIYA: Mr. Sharad Pawar is occupying that seat.

SRHI VITHALRAO MADHAVRAO JADHAV: Any member can also sit there.

श्री शंकर दयाल सिंह : प्रधान मंत्री जी की कुर्सी पर... **(व्यवधान)**

श्री राम अवधेश सिंह : बैठने की तैयारी कर रहे हैं।... **(व्यवधान)**

SHRI SUKOMAL SEN: Where is the Minister of State who is looking after the Labour portfolio also? He should have been present here.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI MATI MARGARET ALVA): May I explain? The Minister is answering questions in the other House. Because of that some adjustment has been made and the Deputy Minister has been asked to answer questions here.

MR. CHAIRMAN: He is answering questions. He is familiar with the jute problems.

SHRI SUKOMAL SEN: This shows the Government is looking at the labour problems in a casual way. The Casual Minister is here. In such a situation how will the Labour Ministry look into their problems properly? It cannot.

MR. CHAIRMAN: You put your question.

SHRI SUKOMAL SEN: Diversion of provident fund money is a chronic disease everywhere. About the deficiency of the law a question has been raised, but here I would like to know what punishment has been given to the defualting owners during the last three years. I am not going to the past. So, my question is how many defaulting owners havae been punished and to what extent the diversion provident money has been made in of order to utilise it for other purposes. The jute mill owners in this way make their mills sick, but they themselves are getting healthier because they utilise this money for other purposes. I would also like to know what action the Government has taken to check this mal-practice.

SHRI PABAN SING GHATOWAR: I have stated that we are already taking action against such defaulters. I may give one information that as of today there are 135 stay cases pending in the High Court of Calcutta. (*Interruptions*) From our side we are pursuing cases under Sections 406 and 409 of the Criminal Procedure Code. We are taking all these steps from our side. We seek the cooperation of the State Government concerned to expedite disposal of these cases.

SHRI SUKOMAL SEN: Sir, this has been happening for the last 20 years and nobody has been punished till now.

SHRI GURUDAS DAS GUPTA: Sir, the High Court has been giving frivolous stays. We are not satisfied with the Minister's reply. We want a half-an-hour discussion on this.

SHRI SANTOSH BAGRODIA: We will support you on this.

MR. CHAIRMAN: Mr. Gurudas Das Gupta, you give it to me in my Chamber.

श्रीमती कमला सिन्हा : सभापति महोदय, मैं आपके माध्यम से सरकार से यह जानना चाहती हूं कि क्या सरकार यह मानती है कि प्राविडेंट फंड का पैसा जमा नहीं करना क्रिमिनल आफेंस है ? अगर सरकार इसको कग्नीजेबल आफेंस मानती हैं तो अब तक इतने दिन तक जो डिफाल्टिंग जूट मालिक हैं जिन्होंने यह पैसा जमा नहीं कराया उनके प्रति सरकार ने कौन सी कार्यवाही की है ? सभापति महोदय, मैं आपके माध्यम से सरकार से यह जानना चाहती हूं कि केवल जूट मिल मालिक ही नहीं है, पूरे देश भर में अनेकों मिल मालिक ऐसे हैं जो समय पर प्राविडेंट फंड का अपना हिस्सा मजदूरों का पैसा तो जमा हो जाता है, लेकिन उनके अपने हिस्से का सा वे जमा नहीं करते और मजदूरों के हिस्से के पैसे का दुरुपयोग करते हैं, तो इस दिशा सरकार कोई कदम उठाएगी या नहीं, यह मैं जानना चाहती हूं ?

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, the Government is taking action under IPC 406 and 409. From our Organisation we are trying our best to recover the arrears. I want to inform the House that as of today the arrears are less than 1 per cent of our total money.

SHRIMATI KAMLA SINHA: Can you state it in absolute terms?

SHRI PABAN SING GHATOWAR: Yes, I can.

The total amount of provident fund collected from 1952 to 31-3-1991 is Rs. 27,500 crores.

DR. BAPU KALDATE: How is it less than 1 per cent?

SHRI PABAN SING GHATOWAR: That is the total collection of the provident fund amount. The total arrears are Rs. 228 crores since 1952.

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir, what is your reaction to the latest figure?

MR. CHAIRMAN: The Chairman is not supposed to react... (*Interruptions*)

PROF. SAURIN BHATTACHARYA: He should state it clearly. Is it the way to reply?

SHRI SANTOSH BAGRODIA: The hon. Minister has stated that 28 jute mills in the State of West Bengal have not transferred the provident fund contributions. He has referred to only 24 jute mills. What happened to the remaining 4 mills?

SHRIMATI KAMLA SINHA: Mr. Chairman, Sir, I seek your protection. The Minister did not reply to the second part of my question.

MR. CHAIRMAN: He has already replied to that question put by the other Member.

SHRI SANTOSH BAGRODIA: Mr. Chairman, Sir, I stand corrected.

MR. CHAIRMAN: You did not read it properly.

SHRI SANTOSH BAGRODIA: Now the point is that I would like to know from the hon. Minister whether the jute mills and transferring provident fund contributions to the Board on their own for the current liabilities; otherwise this will go on increasing. Also if the Government has gone into the details, if these mill-owners have got some other mills, then, they can be combined with them so that these outstanding dues of provident fund can be liquidated at the earliest.

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, out of these 28 mills, 18 mills are paying their current dues because we have filed cases against them

under the Criminal Procedure Code and under the Recovery Act in the High Court. As I said earlier, there are more than 136 stay cases in the High Court.

श्री राम अवधेश सिंह : सभापति महोदय, इनका जो लिखित बयान आया है, उसमें इन्होंने कहा है कि 406 और 409 भारतीय दण्ड संहिता के अंदर केस कर दिया गया है । अगर इतने ही से सरकार का कर्तव्य पूरा हो जाता है, तब तो मुझे कुछ नहीं कहना है । लेकिन मान्यवर, यह बात सही है कि "ब्रीच ऑफ ट्रस्ट" हुआ है, "अमानत में खयानत" हुई है तो इस पर ठोस कार्यवाही करने की जरुरत है या नहीं ? फिर स्टे के बारे में आपने लिख दिया है कि 2 से 8 तक, 9 से 17 तक जो कंपनियों की सूची में नाम हैं, उन्होंने स्टे ले लिया है तो मान्यवर मैं सरकार से जानना चाहता हूं कि स्टे आखिर किस बात के लिए लिया है ? क्या उनके ऊपर अमानत में खयानत का मुकदमा नहीं चले, इसके लिए लिया है या इसके लिए लिया है कि उन्होंने जो पैसा जमा नहीं किए हैं, उनको जमा कराने पर रोक लगायी जाय ? क्या स्टे लिया है, यह सदन जानना चाहता है, इस बारे में पूरी बात बताइए ?

SHRI PABAN SING GHATOWAR: Mr. Chairman, Sir, I do not have the details at present with me. But I can say that one mill has gone to the court to obtain time. They have obtained a stay order from the High Court. I can name the mill.

SHRI RAM AWADHESH SINGH: That is not my question.

MR. CHAIRMAN: His question is simple.

श्री राम अवधेश सिंह : स्टे लिया है तो किस बात के लिए स्टे लिया है ? इसमें दो अपराध किया गया है, एक अपराध तो अमानत में खयानत का और दूसरा अपराध किया है वह जो पैसा नहीं जमा किया । तो जब जमा पुनः न करे, उस पर रोक लगा दे या उस पर...

श्री सभापति : राम अवधेश जी, आप बैठ जाइए । मैं समझ गया,...

He wants to know whether the stay is only of the recovery or they have stayed the criminal proceedings also.

SHRI PABAN SING GHATOWAR: They have gone for stay of almost all types of cases of recoveries.

MR. CHAIRMAN: Is there any stay against criminal prosecution? It is not about the civil liability, but about the criminal liability. Is that possible?

SHRI PABAN SING GHATOWAR: At present, I do not have the full information. If the Member needs(I can give the informtaion.

SHRI RAM AWADHESH SINGH: Why do you shirk this information? (*Interruption*)...

MR. CHAIRMAN: Question No. 202. (Interruptions).

*202. [*The questioner (Shri Suresh Kalmadi) was absent. For answer Vide Col. 37-98 infra*]

श्री राम अवधेश सिंह : *

श्री सभापति : क्वैश्चन नंबर 203 : यह जो बोल रहे हैं, ऐसा कुछ नहीं जाएगा रिकार्ड में ।... **(व्यवधान)**...आप क्यों डिस्टर्ब कर रहे हैं, राम अवधेश जी । आपका कुछ रिकार्ड में नहीं जाएगा । ... **(व्यवधान)**...

I have gone on to question No. 203. (*Interruption*). The interruptions of Mr. Ram Awadhesh Singh will not go on record. (*Interruption*). Mr. Ram Awadhe-Singh, please sit down. I have passed on to question No. 203.

SHRI RAM AWADHESH SINGH: *

*Not recorded.